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10/822,443

04/12/2004

Jeffrey Duncan Watters

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EXAMINER

GOODEN JR, BARRY J

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/822,443

Applicant(s)

WATTERS, JEFFREY DUNCAN

Examiner

Barry J. Gooden Jr.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 22-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

Art Unit: 3616

#### **DETAILED ACTION**

This office action is in response to the response to election/restriction filed August 28, 2006.

Currently, claims 1-33 are pending. Claims 1-33 are amended.

#### ***Election/Restrictions***

1. Applicant's election with traverse of claims 11-21 in the reply filed on August 28, 2006 is acknowledged. The traversal is on the ground(s) that the inventions are not independent and distinct. This is not found persuasive because, the examiner detailed in the previous office action how the inventions are distinct and directs the applicant to section 5 of the previous office action, which states:

"Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper."

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-10 and 22-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 28, 2006.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 11, the claim is directed separate vehicle states. Examiner suggests replacing all references to pre-conversion and being converted states with reference to the final product.

In regards to claim 14, "a rear beam axle" is not included in the final product and as such should be removed from the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Nissan Serena in view of Anderson et al., US Patent 4,847,972.

In regards to claims 11-18, the Nissan Serena is disclosed as a vehicle comprising an independent rear suspension and mountings thereof.

In regards to Anderson et al., an apparatus is disclosed wherein a portion of the floorpan of a vehicle is lowered to facilitate ingress and egress of a handicapped person wherein the floorpan extends forwardly from a rearward entrance of the vehicle to a driver position;

wherein the lowered portion of the floorpan is sufficiently wide to accommodate a handicapped person; and,

wherein the floorpan is substantially flat (Reference is made to Figures 5-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Nissan Serena in view of the teachings of Anderson et al. to include a lowered floorpan extending from a rearward entrance to a driver portion of the vehicle so as to facilitate ingress and egress of a handicapped occupant in a vehicle other than that disclosed in Anderson et al., since it is old and well known to provide means of occupant ingress and egress for handicapped persons in various vehicles.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the location at which a handicapped person may enter the vehicle, thus

Art Unit: 3616

modifying the layout of the floorpan and location of the lowered portions, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Also, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a floorpan of various widths, including 850mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

7. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Nissan Serena in view of Anderson et al., US Patent 4,847,972, and further in view of Hall, US Patent 4,688,843.

In regards to Hall, a wheelchair restraint system including a restraining belt (37) being anchored to the vehicle floor (12) by means of a belt mounting frame (37A) (Reference is made to Figures 1-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the floorpan of the Nissan Serena in view of the teachings of Anderson et al., as disclosed above, in view of the teachings of Hall to include a wheelchair restraint system so as to enable a handicapped person to operate the vehicle without worry of moving within the vehicle.

### ***Conclusion***

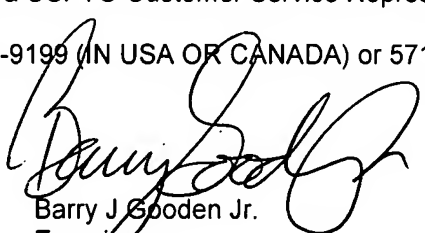
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 5/14/07  
Barry J. Gooden Jr.  
Examiner  
Art Unit 3616

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